

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Bevan Xavier Brooks,	)	
<i>a/k/a Bevan Xavier Brooks, Sr.,</i>	)	
	)	Civil Action No.: 2:10-689-TLW-BHH
Plaintiff,	)	
v.	)	
	)	
Cpt. Curtis L. Bufford, Cpt. Michael	)	
Higgins, Sgt. Timothy Lepet, Ofc. Marcus	)	
Smith, Ofc. Kenneth Brown, Ofc. Bowman,	)	
Lt. John Fogle; Ofc. David Riley, Ofc.	)	
Prelough, Sgt. Larry Jones, Nathaniel	)	
Smith, and Director Renaldo Myers,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

Plaintiff, Bevan Xavier Brooks, (“plaintiff”), brought this civil action, *pro se*, pursuant to 42 U.S.C. § 1983 on March 19, 2010. (Doc. # 1).

This matter now comes before this Court for review of the Report and Recommendations (“the Report”) filed by United States Magistrate Judge Bruce Howe Hendricks, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the defendants’ motion for summary judgment, (Doc. # 42), be granted, and the Complaint be dismissed with prejudice. (Doc. # 56). The plaintiff filed objections to the report. (Doc. # 58). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are

addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Docs. # 56). Therefore, for the reasons articulated by the Magistrate Judge, the defendants' motion for summary judgment is **GRANTED**, and the Complaint is **DISMISSED** with prejudice.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

May 27, 2011  
Florence, South Carolina